

REMARKS

Claims 1-14 remain pending in the application.

In reply to the Election of Species Requirement, Applicants hereby elect Species I, which the Examiner has indicated as corresponding to Claims 1-13. Claims 1-13 are generic.

This election is made with traverse.

The Examiner has failed to establish either of the two criteria to show that the identified species are patentably distinct. Referring to section 803 of the MPEP,

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP § 802.01, § 806.06, § 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(j)); and

(B) There would be a serious burden on the examiner if restriction is not required (see MPEP § 803.02, § 808, and § 808.02).

The Applicants submit that the two species identified by the Examiner are neither independent nor distinct, and a search of the entire application would not constitute a serious burden on the Examiner, or any burden at all.

Claim 14 recites every feature of claim 1, as well as additional features recited in claims 2, 7 and 11 depending from claim 1. As such, claim 14 could have been written in dependent form, depending from any one of claims 1, 2 or 7. The mere fact that the Applicants have chosen to present claim 14 in independent form rather than in dependent form does not establish an independent or distinct invention, and is not sufficient basis for an election requirement.

In addition, because claim 14 recites only features recited in claims that the Examiner has classified in species I, and no additional features not recited therein, the Examiner will not have to conduct an additional search in order to examine claim 14. Therefore, there is no burden on the Examiner in examining the entire application.

Therefore, the two species identified by the Examiner are not directed to patentably distinct inventions, and there would be no serious burden on the Examiner if restriction is not required. As such, the Examiner's requirement for election of species is improper and should be withdrawn.

At the time of filing of the present response, no fees were believed to be necessary. In case any fee should be necessary, the Office is hereby authorized to debit Deposit Account number 502977.

Respectfully submitted,

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